

**UNITED STATES OF AMERICA  
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**CHAIRMAN:**  
Judge Wm. Terrell Hodges  
United States District Court  
Middle District of Florida

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FEB 12 2007

U.S. DISTRICT COURT  
EASTERN DISTRICT OF MI  
DETROIT

**MEMBERS:**  
Judge D. Lowell Jensen  
United States District Court  
Northern District of California

Judge J. Frederick Motz  
United States District Court  
District of Maryland

Judge Robert L. Miller, Jr.  
United States District Court  
Northern District of Indiana

Judge Kathryn H. Vratil  
United States District Court  
District of Kansas

Judge David R. Hansen  
United States Court of Appeals  
Eighth Circuit

Judge Anthony J. Scirica  
United States Court of Appeals  
Third Circuit

**DIRECT REPLY TO:**

Jeffery N. Lüthi  
Clerk of the Panel  
One Columbus Circle, NE  
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Judiciary Building  
Room G-255, North Lobby  
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February 7, 2007

David J. Weaver, Clerk  
814 Theodore Levin U.S. Courthouse  
231 West Lafayette Boulevard  
Detroit, MI 48226

Re: MDL-1718 -- In re Ford Motor Co. Speed Control Deactivation Switch Products Liability Litigation

*Louisiana Farm Bureau Casualty Insurance Co., et al. v. Ford Motor Co.*, M.D. Louisiana,  
C.A. No. 3:06-576

*James R. Bixler v. Ford Motor Co.*, E.D. Missouri, C.A. No. 4:06-1030

*West American Insurance Co., et al. v. Ford Motor Co.*, D. South Carolina, C.A. No. 8:06-2435

Dear Mr. Weaver:

I am enclosing a certified copy and one additional copy of a transfer order filed today by the Panel in the above-captioned matter. The order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

A list of involved counsel is attached.

Very truly,

Jeffery N. Lüthi  
Clerk of the Panel

By Denise Morgan Stone  
Deputy Clerk

Enclosures/Attachment

cc: Transferee Judge: Judge Bernard A. Friedman  
Transferor Judges: Judge Henry M. Herlong, Jr.; Judge Frank J. Polozola; Judge E. Richard Webber  
Transferor Clerks: James G. Woodward; Larry W. Propes; Lawrence Talamo

FEB - 7 2007

FILED  
CLERK'S OFFICE

**DOCKET NO. 1718**

**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

**IN RE FORD MOTOR CO. SPEED CONTROL DEACTIVATION SWITCH  
PRODUCTS LIABILITY LITIGATION**

*Louisiana Farm Bureau Casualty Insurance Co., et al. v. Ford Motor Co.*, M.D. Louisiana,  
C.A. No. 3:06-576

*James R. Bixler v. Ford Motor Co.*, E.D. Missouri, C.A. No. 4:06-1030

*West American Insurance Co., et al. v. Ford Motor Co.*, D. South Carolina, C.A. No.  
8:06-2435

**BEFORE WM. TERRELL HODGES,\* CHAIRMAN, D. LOWELL JENSEN,\*  
J. FREDERICK MOTZ, ROBERT L. MILLER, JR., KATHRYN H. VRATIL,  
DAVID R. HANSEN AND ANTHONY J. SCIRICA, JUDGES OF THE PANEL**

**TRANSFER ORDER**

Before the Panel are motions brought, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), by plaintiffs in three actions to vacate the Panel's order conditionally transferring the actions to the Eastern District of Michigan for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket. No party responded to plaintiffs' motions.

On the basis of the papers filed and hearing session held (without oral argument), the Panel finds that these three actions involve common questions of fact with the actions in this litigation previously transferred to the Eastern District of Michigan, and that transfer of these actions to the Eastern District of Michigan for inclusion in the coordinated or consolidated pretrial proceedings in that district will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. The Panel further finds that transfer of these actions is appropriate for reasons expressed by the Panel in its original order directing centralization in this docket. In that order, the Panel held that the Eastern District of Michigan was a proper Section 1407 forum for actions involving allegations that certain Ford vehicles were equipped with defective or defectively-installed speed control deactivation switches. *See In re Ford Motor Co. Speed Control Deactivation Switch Products Liability Litigation*, 398 F.Supp.2d 1365 (J.P.M.L. 2005).

Various plaintiffs argue against transfer that, *inter alia*, their action should be excluded because of the absence of class allegations, plaintiffs' limited resources, or unique claims. We are unpersuaded by these arguments. Transfer under Section 1407 has the salutary effect of placing related actions before a single judge who can formulate a pretrial program that: 1) allows discovery with respect to any individual issues to proceed concurrently with pretrial proceedings on common issues, *In re Ephedra Products Liability Litigation*, 314 F.Supp.2d 1373, 1375 (J.P.M.L. 2004); and 2) ensures that pretrial proceedings will be conducted in a streamlined manner leading to the just and expeditious resolution

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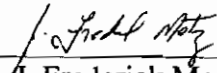
\* Judges Hodges and Jensen took no part in the decision of this matter.

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of all actions to the overall benefit of the parties. Should the circumstances regarding any MDL-1718 action develop such that the transferee judge determines that continued inclusion of a claim or action no longer remains advisable, and accordingly the transferee court deems Section 1407 remand of any claim or action appropriate, procedures are available whereby this may be accomplished with a minimum of delay following a suggestion of remand to the Panel by the transferee judge. See Rule 7.6, R.P.J.P.M.L., 199 F.R.D. at 436-38.

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, this action is transferred to the Eastern District of Michigan and, with the consent of that court, assigned to the Honorable Bernard A. Friedman for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

FOR THE PANEL:

  
\_\_\_\_\_  
J. Frederick Motz  
Acting Chairman

**INVOLVED COUNSEL LIST  
DOCKET NO. 1718  
IN RE FORD MOTOR CO. SPEED CONTROL DEACTIVATION SWITCH PRODUCTS  
LIABILITY LITIGATION**

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